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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/054,529	01/22/2002	Kifumi Numata	JP920000401US1	5988
25299	7590	11/12/2004		
IBM CORPORATION PO BOX 12195 DEPT 9CCA, BLDG 002 RESEARCH TRIANGLE PARK, NC 27709			EXAMINER PERVEEN, REHANA	
			ART UNIT 2116	PAPER NUMBER

DATE MAILED: 11/12/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/054,529

Applicant(s)

NUMATA ET AL.

Examiner

Rehana Perveen

Art Unit

2116

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 January 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-10, 12 and 15-17 is/are rejected.
- 7) ☒ Claim(s) 11, 13 and 14 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 22 January 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 9/04. 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 4 and 15 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 4 recites the limitation "said device" in line 1. There is insufficient antecedent basis for this limitation in the claim. Correction is therefore required to indicate whether "said device" should be "said first boot device" or "said second boot device". For the purpose of the examination, the examiner will assume "said device" to be "said second boot device" since claim 4 depends from claim 3, which addresses "said second boot device".

Claim 15 is set out to be a method claim. However, there are no method steps in the claim. It seems like an apparatus claim. Correction is therefore required.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-10, 12, and 15-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kottapurath et al, Patent No. 6,553,490, in view of Chambers, Patent No. 5,249,224.

As to claims 1 and 15, Kottapurath et al teach switching between a plurality of boot devices in an information processing unit, in which an operating system is booted from a first boot device for normal operation (booting off hard drive, col. 2 lines 18-37) or is booted from a second boot device for a special operation (booting off network server, col. 2 lines 18-37), and switching an OS boot source between the first boot device and the second boot device based on a verification signal being outputted at the time of powering on or restarting the information processing unit (output of the identifier program signaling for the OS boot source, col. 1 lines 38-65).

However, Kottapurath et al do not expressly teach outputting the verification signal from an output port of an external device connector, and switching or not switching the device based on a determination of whether the verification signal is input to an input port of the external device connector.

Chambers teaches outputting a verification signal from an output port of an external device connector, and switching or not switching a device based on a determination of whether the verification signal is input to an input port of the external device connector (col. 11 lines 33-38).

It would have been obvious for one of ordinary skill in the art at the time of the invention to combine the teachings of Kottapurath et al and Chambers because Chambers' shorting the switching equipment by insertion of a shorting plug, when incorporated into Kottapurath, would have enabled a more efficient and cost effective solution to the switching process by simply inserting or not inserting the plug into the connector (Chambers, col. 3 lines 25-39).

As to claim 2, Chambers teaches a determination result varies based on whether or not a dedicated plug for short-circuiting the output port and the input port is inserted in the connector (col. 3 lines 25-39 and col. 11 lines 33-38).

As to claims 3, 5, and 6, Kottapurath et al teach the second boot device is integrated in the main body of the information processing unit (network server is integrated in the computer system, col. 1 lines 50-56), and the second boot device is a portable information storage connectable with a connector (mass storage device, col. 3 lines 20-23).

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As to claim 4, Kottapurath et al teach the second boot device can read data from a portable recording medium (col. 3 lines 20-23).

As to claim 7, Kottapurath et al teach the second boot device is an information storage connected through a communications line (link 18, figure 1, col. 3 lines 42-46).

As to claims 8 and 9, Chambers teaches the verification signal is in a form different from a signal input to the input port in normal processing (signal difference due to shorting plug insertion or deletion, col. 3 lines 25-31 and col. 11 lines 33-38).

As to claim 10, Kottapurath et al teach comparing the version of the OS stored in the first boot device with the version of the OS booted from the second boot device after the OS boot source is switched to the second boot device (col. 3 lines 50-65), and writing the OS booted from the second boot device into the first boot device, when the version of the OS booted from the second boot device is newer than the version of the OS stored in the first boot device (col. 3 line 66 – col. 4 line 6).

As to claim 12, Kottapurath et al teach the switching between the first and the second boot devices is set in a BIOS (startup program 36, col. 3 lines 28-49).

As to claim 16, Kottapurath et al teach security management for the OS is implemented based on the presence/absence of the plug, the presence/absence of data

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in the second boot device, or the presence/absence of the second boot device itself (col. 4 lines 26-36).

As to claim 17, Kottapurath et al teach the second boot device includes a compact disc (mass storage device, col. 3 lines 20-23).

Allowable Subject Matter

Claims 11, 13, and 14 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Rehana Perveen whose telephone number is 571-272-3676. The examiner can normally be reached on 8:00am - 4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lynne H Browne can be reached on 571-272-3670. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, consisting of several loops and a long horizontal stroke extending to the right.

Rehana Perveen
Primary Patent Examiner
Technology Center 2100